

REMARKS

The above amendments and these remarks are responsive to the Office Action issued on April 22, 2005. By this response, claim 1 is amended. The specification is amended to correct a clerical error in citation of prior art. No new matter is added. Claims 1-9 are now active for examination.

The Office Action dated April 22, 2005 rejected claims 1-8 under 35 U.S.C. §102(b) as being anticipated by Suzuki (U.S. Patent No. 5,552,681). Claim 9 stood rejected under 35 U.S.C. §103(a) as unpatentable over Suzuki et al. in combination with Severinsky (U.S. Patent No. 6,209,672).

It is respectfully submitted that the rejections are overcome in view of the amendments and/or remarks presented herein.

The Anticipation Rejection of Claims 1-8 Is Overcome

Claims 1-8 were rejected as being anticipated by Suzuki. The anticipation rejection is respectfully traversed because Suzuki cannot support a prima facie case of anticipation.

Claim 1, as amended, describes a power source device supplying power to an electric motor and an accessory circuit. The device includes a fuel cell power plant having an output terminal to which the electric motor and the accessory circuit are connected in parallel. A power storage device is connected to the output terminal, to perform a charging operation and a discharging operation. A DC/DC converter regulates an input voltage of the power storage device in a charging operation and an output voltage of the power storage device in a discharging operation. The accessory circuit is connected to the output terminal not via the DC/DC converter. Appropriate support for the amendment can be found in, for instance, Fig. 1 and related descriptions of the specification.

In contrast, Suzuki does **not** disclose a fuel cell power plant as described in claim 1. Furthermore, the internal combustion engine 1, squirrel-cage polyphase induction machine 2 and inverter 4 of Suzuki, which the Office Action contended to be comparable a fuel cell power plant, does **not** include an accessory circuit that is connected to the output terminal not via the DC/DC converter, as described in claim 1. Since Suzuki fails to teach every feature of claim 1, Suzuki cannot support a prima facie case of anticipation. The anticipation rejection is untenable and should be withdrawn. Favorable reconsideration of claim 1 is respectfully requested.

Claims 2-8, directly or indirectly, depend on claim 1 and incorporate every limitation thereof. Accordingly, claims 2-8 are patentable over Suzuki for at least the same reasons as for claim 1, as well as based on their own merits. Favorable reconsideration of claims 2-8 is respectfully requested.

The Obviousness Rejection of Claim 9 Is Traversed

Claim 9 depends on claim 1 and was rejected as being unpatentable over Suzuki in view of Severinsky. The obviousness rejection is respectfully traversed because Suzuki and Severinsky cannot support a prima facie case of obviousness.

As discussed above, Suzuki fails to teach a power source device including an accessory circuit connected to the output terminal not via the DC/DC converter, which is incorporated in claim 9 by virtue of its dependency from claim 1. Severinsky was relied on by the Examiner for describing an alternating current synchronous motor connected to the output terminal through an inverter. However, like Suzuki, Severinsky does *not* disclose that an accessory circuit is connected to the output terminal not via the DC/DC converter, as required by claim 9. Accordingly, Suzuki and Severinsky, even if combined, do not disclose very limitation of claim

9. Hence, Suzuki and Severinsky cannot support a prima facie case of obviousness. The obviousness rejection is untenable and should be withdrawn. Favorable reconsideration of claim 9 is respectfully requested.

CONCLUSION

For the reasons given above, Applicants believe that this application is in condition for allowance, and request that the Examiner give the application favorable reconsideration and permit it to issue as a patent. If the Examiner believes that the application can be put in even better condition for allowance, the Examiner is invited to contact Applicants' representatives listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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